

Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN SLAYTER,

Defendant.

CASE NO. MJ 17-033

COMPLAINT for VIOLATION

18 U.S.C. § 922(g)(5)(a)

18 U.S.C. § 922(a)(6)

BEFORE United States Magistrate Judge Brian A. Tsuchida, Seattle, Washington.

This complaint is to be presented electronically pursuant to Local Criminal Rule 41(d)(3).

The undersigned complainant, being duly sworn, states:

Count One

(Possession of a Firearm and Ammunition by an Illegal Alien)

On or about January 21, 2017, in Everett, Snohomish County, within the Western District of Washington, and elsewhere, the Defendant, JOHN SLAYTER, an alien unlawfully and illegally in the United States, did knowingly possess in and affecting interstate and foreign commerce firearms and ammunition, to wit: a Black Rain Ordnance USA Spec-15 5.56mm rifle with serial number SP003540, a quantity of 5.56mm rifle ammunition, and a quantity of 12-gauge shotgun ammunition, which had been shipped and transported in interstate and foreign commerce.

COMPLAINT FOR VIOLATION - 1
United States v. Slayter
USAO #2017R00106

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
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1 All in violation of Title 18, United States Code, Sections 922(g)(5)(A) and
2 924(a)(2).

3 **Count Two**

4 **(False Statement and Identification in Acquisition of a Firearm)**

5 On or about January 21, 2017, in Tacoma, Pierce County, within the Western
6 District of Washington, the Defendant, JOHN SLAYTER, in connection with the
7 acquisition of a firearm, to wit: a Black Rain Ordnance USA Spec-15 5.56mm rifle with
8 serial number SP003540, from Bass Pro Shops, a licensed dealer of firearms within the
9 meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious
10 written statement and knowingly furnished and exhibited a false, fictitious, and
11 misrepresented identification to Bass Pro Shops, which statement and identification were
12 intended and likely to deceive Bass Pro Shops, as to facts material to the lawfulness of such
13 sale of the said firearm to the Defendant under chapter 44 of Title 18, in that the Defendant
14 did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and
15 Explosives Form 4473 Firearms Transaction Record, which falsely represented that the
16 Defendant was "Steven Collette," a citizen of the United States, and exhibited a counterfeit
17 Washington State driver's license in the name of "Steven Collette."

18 All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

19 I, Gregory K. Heller, being first duly sworn on oath, depose and say:

20 **AFFIANT BACKGROUND AND EXPERIENCE**

21 1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and
22 Explosives (ATF) in the United States Department of Justice, and have been so employed
23 since September 2014. I have completed the twelve-week Criminal Investigator Training
24 Program and a fourteen-week Special Agent Basic Training at the ATF National
25 Academy/Federal Law Enforcement Training Center in Glynco, Georgia. Before
26 becoming an ATF agent, I was a police officer and detective for Gwinnett County, Georgia,
27 from 2007 to 2014. I also completed the 23-week Gwinnett County Police Training
28 Academy and was a Peace Officer Standards and Training certified peace officer in the

1 State of Georgia. I am a graduate of Duke University in Durham, North Carolina, where I
2 received a Bachelor of Science in Engineering (B.S.E.) in Civil Engineering.

3 2. As an ATF agent, I am responsible for investigations into various federal
4 criminal offenses, including violent crimes involving firearms, and violations of federal
5 firearms and explosives laws and related statutes. I received training on the proper
6 investigative techniques for these violations, including the identification of firearms and
7 location of the firearms' manufacture. As an ATF agent and a Georgia police officer, I
8 have actively participated in investigations of criminal activity, including but not limited
9 to: crimes against persons, crimes against property, narcotics-related crimes, and crimes
10 involving the possession, use, theft, or transfer of firearms. During these investigations, I
11 have also participated in the execution of search warrants and the seizure of evidence of
12 criminal activity. As a law enforcement officer, I have testified under oath, affirmed
13 applications for search and arrest warrants, and obtained electronic monitoring orders.

14 BACKGROUND

15 3. The facts in this affidavit and in the attached document are based on my
16 training and experience, my personal observations, and information obtained from other
17 law enforcement personnel and civilian witnesses. The information outlined below is
18 provided for the limited purpose of establishing probable cause for the offenses outlined
19 herein. I have not included all details or all facts of which I am aware that relate to this
20 investigation; rather, I have included only those facts that I believe are necessary to
21 establish probable cause.

22 INVESTIGATION

23 4. On January 25, 2017, agents with the Department of Homeland Security,
24 Homeland Security Investigations (HSI) made contact with the management of the Days
25 Inn at 1602 SE Everett Mall Way in Everett, Washington. The hotel management informed
26 HSI investigators that from January 22 through January 24, 2017, a guest had been staying
27 in room 235 under the name "Gregory Neufer." The room was rented using a Texas
28 driver's license in that name. After the guest checked out, hotel staff located property that

1 had been left inside the room. HSI personnel inspected the property that had been left
2 behind, which included 5.56mm rifle ammunition, 12-gauge shotgun shells, rifle
3 magazines, a rifle case, and the owner's manual for a Black Rain Ordnance semi-automatic
4 rifle. Additionally, HSI agents found an apparently fraudulent Pennsylvania driver's
5 license in the name "John Stewart," numerous names and dates of birth written on a pad,
6 and paperwork indicating that a credit line had been opened at Bass Pro Shops on January
7 21, 2017 in the name of "Stephen Collette," with date of birth April XX, 19XX.

8 5. HSI agents collected the evidence found at the Days Inn. I later examined
9 some of the items retrieved from the room. Based on my training and experience, I believe
10 that the rifle magazines, rifle case, and ammunition were in new condition and likely had
11 been purchased recently. I also know Bass Pro Shops to be a firearms dealer that sells
12 firearms, firearms components, and accessories similar to those located in the hotel room.
13 Based on the presence of the driver's license and credit application paperwork in the hotel
14 room, suspected that the occupant of the room may have purchased a Black Rain Ordnance
15 rifle from Bass Pro Shops using fraudulent information.

16 6. On January 26, 2017, HSI Special Agent Rios and I visited the Bass Pro
17 Shops at 7905 S. Hosmer Street in Tacoma, Washington. I identified myself as an ATF
18 agent and spoke with a firearms clerk. When asked if a rifle had been purchased recently
19 under the name "Steven Collette," the clerk located an ATF Form 4473 which showed that
20 an individual using the name "Steven Collette" purchased a Black Rain Ordnance USA
21 Spec-15 5.56mm rifle with serial number SP003540 on January 21, 2017. The Form 4473
22 showed that the Bass Pro Shops employee who had completed the transaction had verified
23 the purchaser's identity with a Washington driver's license, which was recorded on the
24 form as bearing license number "COLLESXXXXXX." Bass Pro Shops sales records also
25 indicated that the rifle had been purchased with a Bass Pro Shops MasterCard credit
26 account that had been created on the same day. The register purchase included the Black
27 Rain Ordnance rifle, a sight, two magazines, 5.56mm ammunition, and four \$352.12 gift
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1 certificates. A store clerk told me that the Black Rain Ordnance rifle came with a soft
2 carrying case.

3 7. I obtained a copy of the credit application that had been completed by the
4 firearms purchaser. On the credit application the purchaser spelled his first name
5 differently as "Stephen" instead of "Steven." He listed his phone number as 425-XXX-
6 XXXX and his e-mail as "phantomspydrome@gmail.com."

7 8. Special Agent Rios and I reviewed Bass Pro Shops surveillance video and
8 saw that the purchaser of the Black Rain Ordnance rifle was a white male wearing a black
9 shirt, jeans, and a black ball cap. The video showed the cap had a light colored wavy design
10 on the front and light colored trim around the bill. Among the property recovered by HSI
11 from the Days Inn hotel room on January 25, 2017, was a black cap with a wavy American
12 flag on the front and trim around the bill.

13 9. I later performed a check of the driver's license number listed on the ATF
14 Form 4473 ("COLLESXXXXXX") through Washington Department of Licensing (DOL)
15 records. That number was not associated with any driver's license records. I also searched
16 DOL records for "Steven Collette" and "Stephen Collette." Neither name had any matches
17 to the date of birth (April XX, 19XX) that had been listed on the ATF Form 4473 and the
18 credit card application. This led me to conclude that the Washington license shown to
19 purchase the Black Rain Ordnance rifle had been fraudulent.

20 10. When investigators searched Facebook for the telephone number listed on
21 the credit application, they saw the number was linked to an account for JOHN SLAYTER.
22 Education and other items on the Facebook page were associated with Canada.
23 Investigators located Facebook videos of SLAYTER in a new vehicle, which he described
24 as a 2017 Hellcat Challenger SRT. The video appeared to show that the vehicle was gray
25 with a dark-colored hood.

26 11. HSI investigators viewed video surveillance footage from the front desk of
27 the Days Inn hotel in Everett. This footage showed the occupant of the room registered to
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1 "Gregory Neufer" interacting with the front desk clerk on January 22, 2017. Video
2 surveillance also showed that same individual drove a Dodge Challenger with a black hood.

3 12. Through HSI investigators, I have learned that JOHN SLAYTER, with date
4 of birth October 20, 1965, is a Canadian citizen who entered the United States in 2014. He
5 was permitted to remain in the United States for a period of six months, but at the end of
6 this period, he did not leave as required by law. HSI investigators obtained a photo of
7 SLAYTER from U.S. Customs and Border Protection (CBP), then compared it to the photo
8 on the fraudulent Pennsylvania driver's license for "John Stewart" and the surveillance
9 footage from the Days Inn. All three appeared to depict the same person.

10 13. On January 27, 2017, the Seattle Police Department created a six-person
11 photo line-up that included the photograph of SLAYTER obtained from CBP.
12 SLAYTER's photo was in position four and the other positions were made up of similar
13 photos of persons with similar features. On the same day, I visited the Bass Pro Shops in
14 Tacoma with ATF Special Agent Nate Merritt, bringing the photo array. Special Agent
15 Merritt had not been involved in the investigation up to that point, had not seen a photo of
16 SLAYTER, and did not know which position in the line-up contained the suspect's photo.
17 Special Agent Merritt and I met with the clerk who had verified "Steven Collette's" identity
18 for purposes of ATF Form 4473 in connection with the purchase of the Black Rain
19 Ordnance rifle. I showed the clerk the ATF Form 4473 for this transaction. The clerk
20 stated that he remembered the transaction, and that he the purchaser had been wearing a
21 ball cap and had also bought a number of gift cards. I then stepped away from the clerk,
22 and Special Agent Merritt showed the clerk the photo array line-up process. The
23 presentation of this line-up was recorded on a digital audio recorder. Special Agent Merritt
24 explained to the clerk that he should keep in mind that an individual's appearance can vary
25 over time, asking him to advise whether or not he recognized anyone in the photographs,
26 and if so, where he recognized them from. The clerk identified SLAYTER's photo as the
27 purchaser of the rifle. When asked about his degree of certainty, the clerk estimated that
28 he was 70% certain.

1 14. Also on January 27, 2017, HSI special agents and Tukwila Police
2 Department officers located SLAYTER parked in the area of Oakesdale Ave SW and S.
3 180th Street in a gray 2017 Dodge Challenger with a black hood. SLAYTER was detained
4 for immigration violations. Special Agent Rios and I then conducted an audio-recorded
5 interview with SLAYTER at the Tukwila Police Department. After being informed of his
6 *Miranda* rights, SLAYTER confessed that he had purchased the Black Rain Ordnance rifle
7 from Bass Pro Shops on January 21, 2017, using the name "Steven Collette." SLAYTER
8 said he used a fake Washington Driver's license to conduct the transaction. SLAYTER
9 was shown the ATF Form 4473 from the transaction, and he confirmed that he had filled
10 the form out and signed it as "Steven Collette." When asked why he had used a different
11 name to purchase the rifle, SLAYTER said it was because he was in the United States
12 illegally. SLAYTER also admitted opening the credit account in Collette's name.
13 SLAYTER stated that, within the last six months, he had purchased two additional firearms
14 from different stores using the name and identification of "Gregory Neufer." SLAYTER
15 said he sold all three firearms to pawn shops.

16 15. Based on my review of publicly-available information about Black Rain
17 Ordnance, as well as a telephone call to a representative of Black Rain Ordnance, I know
18 that all Black Rain Ordnance firearms, such as the one possessed by SLAYTER, are
19 manufactured in the State of Missouri. Thus, the rifle purchased by SLAYTER within the
20 State of Washington had traveled in and affected interstate commerce.

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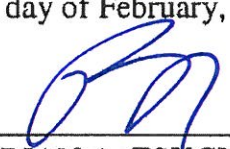
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CONCLUSION

16. Based on the foregoing, I respectfully submit there is probable cause to believe that JOHN SLAYTER, an alien illegally and unlawfully in the United States, did knowingly possess a firearm and ammunition affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2); and further did knowingly make a false and fictitious written statement and knowingly furnish a false, fictitious, and misrepresented identification to a dealer in firearms, with respect to facts material to the sale of a firearm, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

 #5418
GREGORY K. HELLER, Complainant
Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing complaint on this 1st day of February, 2017.


BRIAN A. TSUCHIDA
United States Magistrate Judge